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CALIFORNIA LEGISLATURE—1997–98 REGULAR SESSION

ASSEMBLY BILL

No. 1395

Introduced by Assembly Member Escutia

February 28, 1997

An act to amend Section 10161.8 of the Business and Professions Code, to amend ~~Sections 19271 and 19272 of, to amend and renumber Section 19532 of, and to add Section 19271 of, and to add Section 19274 to,~~ the Revenue and Taxation Code, and to add Section ~~11475.7 to the Welfare and Institutions Code, relating to child~~ 1088.7 to the Unemployment Insurance Code, relating to child support.

LEGISLATIVE COUNSEL'S DIGEST

AB 1395, as amended, Escutia. Child support: enforcement of delinquencies: Franchise Tax Board.

Existing law requires real estate brokers to immediately notify the Real Estate Commissioner whenever a real estate salesperson is employed by or terminated by a broker.

This bill would require a real estate broker's notice to include his or her federal *and state* employer identification number, and would require the Real Estate Commissioner, ~~no less than every 30 days, to release that information to enter into an interagency agreement with the Employment Development Department to provide, on a monthly basis, specified information, including the broker's full name and address, and federal or state employer or other state identification number, and the salesperson's name, address, and social security number, to the Franchise Tax Board for purposes of enforcing child support obligations.~~

Existing law requires a district attorney to take appropriate action to establish, modify, and enforce child support orders when the child is receiving public assistance, and when appropriate, to take the same actions on behalf of a child who is not receiving public assistance. Under existing law, the district attorney may refer child support delinquencies to the Franchise Tax Board for collection.

This bill would require, or authorize under specified circumstances, the district attorney enforcing child support obligations to refer all child support delinquencies, as specified, to the Franchise Tax Board for collection, except that a county would be authorized to apply for an exemption from the State Department of Social Services if the county collection program meets specified conditions.

Existing law authorizes a county district attorney, when a child support delinquency is reported to the State Department of Social Services, as specified, to refer the delinquency to the Franchise Tax Board for collection.

~~Existing law requires that the county district attorney receive credit for no less than 50% of the amount of collections made pursuant to the referral and receive no less than 50% of the applicable child support enforcement incentives, and permits the State Department of Social Services and the board to prescribe guidelines regarding the distribution of the amount in excess of that 50% of the incentives.~~

~~This bill would delete those provisions and instead provide that the district attorney receive credit for the full amount of the collections and the applicable enforcement incentives, and that collection costs incurred by the Franchise Tax Board be paid by federal reimbursement, with any balance to be paid from the General Fund.~~

This bill would, as provided, also authorize the district attorney to refer to the Franchise Tax Board cases in which the social security number of the noncustodial parent is unknown, to assist the district attorney in establishing or enforcing a child support order. The bill would impose a state-mandated local program by adding to the duties of district attorneys. The bill would provide that the district attorney would receive credit for the amount collected when a referral is made.

This bill would, *commencing July 1, 1998*, require any service-recipient, as defined, who makes or is required to file a federal tax information return with regard to certain payments made to a service-provider, to report specified information to the Employment Development Department regarding those payments. The bill would provide that this information may be released only for purposes of establishing, modifying, or enforcing support obligations or tax enforcement.

~~Existing law requires amounts collected by the Franchise Tax Board to be applied to debts in a specified order.~~

~~This bill would provide that a voluntary payment by an obligated parent for a child support delinquency would be applied solely to the child support delinquency. This bill would provide that the Franchise Tax Board shall not engage in, or shall cease, an involuntary collection action to collect a referred delinquency under specified conditions.~~

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement, including the creation of a State Mandates Claims Fund to pay the costs of mandates that do not exceed \$1,000,000 statewide and other procedures for claims whose statewide costs exceed \$1,000,000.

This bill would provide that, if the Commission on State Mandates determines that the bill contains costs mandated by the state, reimbursement for those costs shall be made pursuant to these statutory provisions.

This bill would provide that it shall become operative only if AB 573 and SB 247 of the 1997–98 Regular Session are enacted and become effective on or before January 1, 1998.

Vote: majority. Appropriation: no. Fiscal committee: yes. State-mandated local program: yes.

The people of the State of California do enact as follows:

1 SECTION 1. Section 10161.8 of the Business and
2 Professions Code is amended to read:

3 10161.8. (a) Whenever a real estate salesperson
4 enters the employ of a real estate broker, the broker shall
5 immediately notify the commissioner thereof in writing.
6 The notice shall include the broker's federal employer
7 identification number, *California state employer*
8 *number, social security number, or other identifying*
9 *number as required by the Employment Development*
10 *Department.*

11 (b) Whenever employment of a real estate
12 salesperson is terminated, the broker shall immediately
13 notify the commissioner thereof in writing.

14 (c) Whenever a licensee acquires a business address
15 different from the address shown on his or her license he
16 or she shall mark out the former address on the face of the
17 license and type or write the new main office address in
18 ink on the reverse side, and date and initial the same.

19 (d) Whenever a real estate salesperson enters the
20 employ of a new real estate broker he or she shall mark
21 out the name of his or her former broker on the face of
22 the license and type or write the name of the new
23 employing broker in ink on the reverse side, and date and
24 initial the same.

25 ~~(e) The commissioner shall release, no less than every~~
26 ~~30 days, the information reported in the notification~~
27 ~~under subdivisions (a) and (b), including the real estate~~
28 ~~broker's name and address and the salesperson's name,~~

~~address, and social security number, to the Franchise Tax Board for purposes of enforcing child support obligations under Section 11475.1 of the Welfare and Institutions Code and for child support collection purposes authorized under Article 5 (commencing with Section 19271) of Chapter 5 of Part 10.2 of Division 2 of the Revenue and Taxation Code. The information released under this subdivision to the Franchise Tax Board shall be on magnetic media or in other machine-readable form according to standards acceptable to, and as required by, the Franchise Tax Board. The notification by a real estate broker under this section shall satisfy that broker's reporting requirement for those real estate salespersons under Section 11475.7 of the Welfare and Institutions Code.~~

(e) The commissioner shall enter into an interagency agreement with the Employment Development Department to provide that department, on a monthly basis, the information reported in the notification under subdivisions (a) and (b), including the real estate broker's full name, address, federal employer identification number, California state employer account number, or other identifying number as required by the Employment Development Department, and the salesperson's name, address, and social security number, for inclusion in the registry of service-providers established under Section 1088.7 of the Unemployment Insurance Code. The notification by a real estate broker under this section shall satisfy that broker's reporting requirement as a service-recipient under Section 1088.7 of the Unemployment Insurance Code.

SEC. 2. Section 19271 of the Revenue and Taxation Code is amended to read:

19271. (a) (1) A county district attorney enforcing child support obligations pursuant to Section 11475.1 of the Welfare and Institutions Code shall refer child support delinquencies to the Franchise Tax Board for collection. For purposes of this article, a "child support delinquency" shall mean a child support obligation that may include or be limited to interest, fees, or penalties,

1 on which the payment then due has not been received
2 following the expiration of 90 days from the date payment
3 is due. If there is a child support delinquency at the time
4 the case is opened by the district attorney, the case shall
5 be referred to the Franchise Tax Board no later than 90
6 days after ~~the case is opened~~ *receipt of the case* by the
7 district attorney. A county district attorney may also refer
8 to the Franchise Tax Board a child support obligation that
9 is 30 days or more past due, and any of these obligations
10 shall be collected as if they were delinquencies otherwise
11 described in this subdivision.

12 (2) Referrals shall be transmitted in the form and
13 manner prescribed by the Franchise Tax Board.

14 (3) In order to manage the growth in the number of
15 referrals that it may receive, the Franchise Tax Board
16 may phase in the referrals as administratively necessary.

17 (4) At least 20 days prior to the date that the Franchise
18 Tax Board commences collection action under this
19 article, the Franchise Tax Board shall mail notice of the
20 amount due to the obligated parent at the last known
21 address for payment and advise that person that failure
22 to pay will result in collection action. If the obligated
23 parent disagrees with the amount due, the obligated
24 parent shall be instructed to contact the county district
25 attorney.

26 (b) (1) (A) Except as otherwise provided in
27 subparagraph (B), when a delinquency is referred to the
28 Franchise Tax Board pursuant to subdivision (a), the
29 amount of the child support delinquency shall be
30 collected from obligated parents by the Franchise Tax
31 Board in any manner authorized under the law for
32 collection of a delinquent personal income tax liability,
33 including, but not limited to, issuance of an order and levy
34 under Article 4 (commencing with Section 706.070) of
35 Chapter 5 of Division 2 of Title 9 of Part 2 of the Code of
36 Civil Procedure in the manner provided for earnings
37 withholding orders for taxes. Any law providing for the
38 collection of a delinquent personal income tax liability
39 shall apply to delinquencies referred under this article in
40 the same manner and with the same force and effect and

1 to the full extent as if the language of ~~such~~ *those* laws had
2 been incorporated in full into this article, except to the
3 extent that any provision is either inconsistent with a
4 provision of this article or is not relevant to this article.

5 (B) When a delinquency is referred to the Franchise
6 Tax Board pursuant to subdivision (a), or at any time
7 thereafter if the obligated parent owes a delinquent
8 personal income tax liability, the Franchise Tax Board
9 shall not engage in, or shall cease, any involuntary
10 collection action to collect the delinquency referred
11 under this article, until the delinquent personal income
12 tax liability is paid in full. In the event the obligated
13 parent owes a delinquent personal income tax liability
14 when a delinquency is referred, the Franchise Tax Board
15 shall mail the notice specified in paragraph (4) of
16 subdivision (a). At any time thereafter, the Franchise Tax
17 Board may mail any other notice to the obligated parent
18 for voluntary payment as the Franchise Tax Board deems
19 necessary. However, the Franchise Tax Board may
20 engage in the collection of a delinquency referred
21 pursuant to subdivision (a) under either of the following
22 circumstances:

23 ~~(1)~~

24 (i) The delinquent personal income tax liability is
25 discharged from accountability pursuant to Section 13940
26 of the Government Code.

27 ~~(2)~~

28 (ii) The obligor has entered into an installment
29 payment agreement for the delinquent personal income
30 tax liability and is in compliance with that agreement, and
31 the Franchise Tax Board determines that collection of the
32 delinquency referred pursuant to subdivision (a) would
33 not jeopardize payments under the installment
34 agreement.

35 (C) For purposes of subparagraph (B), ~~the following~~
36 ~~definitions apply:~~

37 (i) “Involuntary collection action” means those
38 actions authorized by Section 18670, 18670.5, 18671, or
39 19264, by Article 3 (commencing with Section 19231), or
40 by Chapter 5 (commencing with Section 706.010) of

1 Division 2 of Title 9 of Part 2 of the Code of Civil
2 Procedure.

3 (ii) “Delinquent personal income tax liability” means
4 any taxes, additions to tax, penalties, interest, fees, or
5 other related amounts due and payable under Part 10
6 (commencing with Section 17001) or this part.

7 (iii) “Voluntary payment” means any payment made
8 by obligated parents in response to the notice specified in
9 paragraph (4) of subdivision (a) or any other notice for
10 voluntary payment mailed by the Franchise Tax Board.

11 (2) Any compensation, fee, commission, expense, or
12 any other fee for service incurred by the Franchise Tax
13 Board in the collection of a child support delinquency
14 authorized under this article shall not be an obligation of,
15 or collected from, the obligated parent. A referred child
16 support delinquency shall be final and due and payable
17 to the State of California upon written notice to the
18 obligated parent by the Franchise Tax Board.

19 (3) For purposes of administering this article:

20 (A) This chapter and Chapter 7 (commencing with
21 Section 19501) shall apply, except as otherwise provided
22 by this article.

23 (B) Any services, information, or enforcement
24 remedies available to a district attorney or the Title IV-D
25 agency in collecting support delinquencies or locating
26 absent or noncustodial parents shall be available to the
27 Franchise Tax Board for purposes of collecting child
28 support delinquencies under this article, including, but
29 not limited to, any information that may be disclosed by
30 the Franchise Tax Board to the California Parent Locator
31 Service under Section 19548.

32 (C) A request by the Franchise Tax Board for
33 information from a financial institution shall be treated in
34 the same manner and to the same extent as a request for
35 information from a district attorney referring to a support
36 order pursuant to Section 11475.1 of the Welfare and
37 Institutions Code for purposes of Chapter 20
38 (commencing with Section 7460) of Division 7 of Title 1
39 of the Government Code (relating to governmental
40 access to financial records), notwithstanding any other

1 provision of law which is inconsistent or contrary to this
2 paragraph.

3 (D) “Earnings” may include the items described in
4 Section 5206 of the Family Code.

5 (E) The amount to be withheld in an order and levy
6 to collect child support delinquencies under Article 4
7 (commencing with Section 706.070) of Chapter 5 of
8 Division 2 of Title 9 of Part 2 of the Code of Civil
9 Procedure is the amount required to be withheld
10 pursuant to an earnings withholding order for support
11 under Section 706.052 of the Code of Civil Procedure.

12 (c) Interest on the delinquency shall be computed
13 pursuant to Section 685.010 of the Code of Civil
14 Procedure.

15 (d) In the event the collection action would cause
16 undue financial hardship to the obligated parent, would
17 threaten the health or welfare of the obligated parent or
18 his or her family, or would cause undue irreparable loss
19 to the obligated parent, the obligated parent may notify
20 the Franchise Tax Board, ~~which shall upon being notified~~
21 *which shall, upon being notified*, refer the obligated
22 parent to the referring county district attorney, unless the
23 Franchise Tax Board is directed otherwise by the county
24 district attorney for purposes of more effectively
25 administering this article.

26 (e) (1) In no event shall a collection under this article
27 be construed to be a payment of income taxes imposed
28 under this part.

29 (2) In the event an obligated parent overpays a
30 liability imposed under this part, the overpayment shall
31 not be credited against any delinquency collected
32 pursuant to this article. In the event an overpayment of
33 a liability imposed under this part is offset and distributed
34 to a referring county district attorney pursuant to
35 Sections 12419.3 and 12419.5 of the Government Code or
36 Section 708.740 of the Code of Civil Procedure, and
37 thereby reduces the amount of the referred delinquency,
38 the referring county district attorney shall immediately
39 notify the Franchise Tax Board of that reduction, unless

1 otherwise directed for purposes of more effectively
2 administering this article.

3 (3) In no event shall the district attorney refer or the
4 Franchise Tax Board collect under this article any
5 delinquency if ~~at~~ *both* of the following circumstances
6 exist:

7 (A) A court has ordered an obligated parent to make
8 scheduled payments on a child support arrearages
9 obligation.

10 (B) The obligated parent is in compliance with the
11 order.

12 ~~(C) The order does not provide the district attorney~~
13 ~~with authority to engage in continued or additional~~
14 ~~collection activities.~~

15 (4) A child support delinquency need not be referred
16 to the Franchise Tax Board pursuant to this article if an
17 earnings assignment order or a notice of assignment has
18 been served on the obligated parent's employer and
19 court-ordered support is being paid pursuant to the
20 earnings assignment order or the notice of assignment or
21 at least 50 percent of the obligated parent's earnings are
22 being withheld for support.

23 *(5) A child support delinquency need not be referred*
24 *to the Franchise Tax Board for collection if a jurisdiction*
25 *outside this state is enforcing the support order.*

26 (f) Except as otherwise provided in this article, any
27 child support delinquency referred to the Franchise Tax
28 Board pursuant to this article shall be treated as a child
29 support delinquency for all other purposes, and any
30 collection action by the county district attorney or the
31 Franchise Tax Board with respect to any delinquency
32 referred pursuant to this article shall have the same
33 priority against attachment, execution, assignment, or
34 other collection action as is provided by any other
35 provision of state law.

36 (g) For purposes of this article, "child support" means
37 support of a child, spouse, or family as provided in Section
38 150 of the Family Code.

39 (h) Nothing in this article shall be construed to modify
40 the tax intercept provisions of Article 8 (commencing

1 with Section 708.710) of Chapter 6 of Division 2 of Part 2
2 of the Code of Civil Procedure.

3 (i) Except as otherwise specifically provided in
4 subparagraph (B) of paragraph (1) of subdivision (b),
5 the child support collection activities authorized by this
6 article shall not interfere with the primary mission of the
7 Franchise Tax Board to fairly and efficiently administer
8 the Revenue and Taxation Code for which it is
9 responsible.

10 (j) Information disclosed to the Franchise Tax Board
11 shall be considered information that may be disclosed by
12 the Franchise Tax Board under the authority of Section
13 19548 and may be disseminated by the Franchise Tax
14 Board accordingly for the purposes specified in Sections
15 11478 and 11478.5 of the Welfare and Institutions Code (in
16 accordance with, and to the extent permitted by, Section
17 11478.1 of the Welfare and Institutions Code and any
18 other state or federal law).

19 (k) A county may apply to the State Department of
20 Social Services for an exemption from subdivision (a).
21 The State Department of Social Services shall grant an
22 exemption only if the county has a program for collecting
23 delinquent child support, including hardware and
24 software, that is similar or identical to the technology
25 used by the Franchise Tax Board in implementing its
26 child support collections program and the county
27 program was in operation as of April 1, 1997.

28 ~~SEC. 3. Section 19272 of the Revenue and Taxation~~
29 ~~Code is amended to read:~~

30 ~~19272. (a) Any child support delinquency collected~~
31 ~~by the Franchise Tax Board, including those amounts that~~
32 ~~result in overpayment of a child support delinquency,~~
33 ~~shall be deposited in the State Treasury, after clearance~~
34 ~~of the remittance, to the credit of the Special Deposit~~
35 ~~Fund and distributed as specified by interagency~~
36 ~~agreement executed by the Franchise Tax Board and the~~
37 ~~State Department of Social Services, with the~~
38 ~~concurrence of the Controller. Notwithstanding Section~~
39 ~~13340 of the Government Code, all moneys deposited in~~
40 ~~the Special Deposit Fund pursuant to this article are~~

1 hereby continuously appropriated, without regard to
2 fiscal years, for purposes of making distributions.

3 (b) ~~When a child support delinquency, or any portion~~
4 ~~thereof, has been collected by the Franchise Tax Board~~
5 ~~pursuant to this article, the district attorney shall be~~
6 ~~notified that the delinquency or some portion thereof has~~
7 ~~been collected and shall be provided any other necessary~~
8 ~~relevant information requested.~~

9 (c) ~~The referring county district attorney shall receive~~
10 ~~credit for the amount of collections made pursuant to the~~
11 ~~referral, and shall receive the applicable child support~~
12 ~~enforcement incentives pursuant to Section 15200.85 of~~
13 ~~the Welfare and Institutions Code. Collection costs~~
14 ~~incurred by the Franchise Tax Board shall be paid by~~
15 ~~federal reimbursement with any balance to be paid from~~
16 ~~the General Fund.~~

17 SEC. 4.

18 SEC. 3. Section 19274 is added to the Revenue and
19 Taxation Code, to read:

20 19274. The county district attorney may refer to the
21 Franchise Tax Board cases in which the social security
22 number of the noncustodial parent is unknown. The
23 Franchise Tax Board shall search its records to obtain the
24 noncustodial parent's social security number and furnish
25 this information to the county district attorney to assist in
26 the establishment or enforcement of a child support
27 order. For purposes of administering this section, the
28 Franchise Tax Board may use any services or information
29 available for tax enforcement purposes, ~~and or~~ available
30 to a district attorney or the Title IV-D agency in collecting
31 or enforcing child support, or in locating absent or
32 noncustodial parents.

33 SEC. 5. ~~Section 19532 of the Revenue and Taxation~~
34 ~~Code, as amended by Chapter 1001 of the Statutes of 1996,~~
35 ~~is amended and renumbered to read:~~

36 ~~19533. In the event the debtor has more than one debt~~
37 ~~being collected by the Franchise Tax Board and the~~
38 ~~amount collected by the Franchise Tax Board is~~
39 ~~insufficient to satisfy the total amount owing, the amount~~
40 ~~collected shall be applied in the following priority:~~

~~(a) Payment of any taxes, additions to tax, penalties, interest, fees, or other amounts due and payable under Part 10 (commencing with Section 17001), Part 11 (commencing with Section 23001), or this part.~~

~~(b) Payment of any debts referred for collection under Article 5 (commencing with Section 19271) of Chapter 5.~~

~~(c) Payment of delinquent wages collected pursuant to the Labor Code.~~

~~(d) Payment of delinquencies collected under Section 10878.~~

~~(e) Payment of any amounts due that are referred for collection under Article 6 (commencing with Section 19280) of Chapter 5.~~

~~(f) Payment of any amounts that are referred for collection pursuant to Section 62.9 of the Labor Code.~~

~~(g) Payment of delinquent penalties collected for the Department of Industrial Relations pursuant to the Labor Code.~~

~~(h) Payment of delinquent fees collected for the Department of Industrial Relations pursuant to the Labor Code.~~

~~(i) Payment of delinquencies referred by the Student Aid Commission pursuant to Section 16583.5 of the Government Code.~~

~~(j) Notwithstanding the payment priority established by this section, voluntary payments made by an obligated parent for a child support delinquency pursuant to subparagraph (B) of paragraph (1) of subdivision (b) of Section 19271 shall not be applied pursuant to this priority but shall instead be applied solely to the child support delinquency for which the voluntary payment was made.~~

~~SEC. 6. Section 11475.7 is added to the Welfare and Institutions Code, to read:~~

~~11475.7. (a) Any service-recipient, as defined in~~

~~SEC. 4. Section 1088.7 is added to the Unemployment Insurance Code, to read:~~

~~1088.7. Any service-recipient, as defined in subdivision (b), who makes or is required to make a return to the Internal Revenue Service, in accordance with Section 6041A(a) of the Internal Revenue Code~~

1 (relating to payments made to a service-provider as
2 compensation for services) shall file with the
3 ~~Employment—Development—Department~~ *department*
4 information as required under subdivision (c).

5 (b) For purposes of this section:

6 (1) “Service-recipient” means any individual, person,
7 corporation, association, or partnership, or agent thereof,
8 doing business in this state, deriving income from sources
9 within this state, or in any manner whatsoever subject to
10 the laws of this state. “Service-recipient” also includes,
11 the State of California or any political subdivision thereof,
12 including the Regents of the University of California, any
13 city organized under a freeholder’s charter, or any
14 political body not a subdivision or agency of the state, and
15 any person, employee, department, or agent thereof.

16 (2) “Service-provider” means an individual who is not
17 an employee of the service-recipient for California
18 purposes and who receives compensation or executes a
19 contract for services performed for that service-recipient
20 within or without the state.

21 (c) (1) Each service-recipient shall report all of the
22 following information to the ~~Employment—Development~~
23 ~~Department, within 30~~ *department, within 20* days of the
24 earlier of first making payments of six hundred dollars
25 (\$600) or more in any year to a service-provider, or
26 entering into a contract or contracts with a
27 service-provider providing for payments of six hundred
28 dollars (\$600) or more in any year:

29 (A) The ~~first initial, last name, full name~~ and social
30 security number of the service-provider.

31 ~~(B) The service-recipient’s name, address, telephone~~
32 ~~number, and identifying number, such as a federal~~
33 ~~employer identification number, state employer~~
34 ~~identification number, State Board of Equalization~~
35 ~~identification number, or Secretary of State assigned~~
36 ~~corporation number.~~

37 *(B) The service-recipient’s name, business name,*
38 *address, telephone number, social security number,*
39 *federal employer identification number, California state*

1 *employer account number, or other identifying number*
2 *required by the department.*

3 (C) The date the contract is executed, or if no
4 contract, the date payments first total six hundred dollars
5 (\$600) or more.

6 (D) The total dollar amount of the contract, if any, and
7 the contract expiration date.

8 (2) Notification to the Real Estate Commissioner
9 under subdivisions (a) and (b) of Section 10161.8 of the
10 Business and Professions Code shall satisfy the reporting
11 requirement of real estate brokers under this section
12 relating to those real estate salespersons.

13 (d) The ~~Employment—Development—Department~~
14 ~~department~~ shall retain information collected pursuant
15 to this section until November 1 following the tax year in
16 which the contract is executed, or if no contract, the tax
17 year in which the payments first total six hundred dollars
18 (\$600) or more.

19 (e) Information obtained by the ~~Employment~~
20 ~~Development—Department~~ *department* pursuant to this
21 section may be released only for purposes of *establishing,*
22 *modifying, or* enforcing child support obligations under
23 Section 11475.1 and for child support collection purposes
24 authorized under Article 5 (commencing with Section
25 19271) of Chapter 5 of Part 10.2 of the Revenue and
26 Taxation Code or to the Franchise Tax Board for tax
27 enforcement purposes, *or for the administration of this*
28 *code.*

29 (f) *This section shall become operative on July 1, 1998.*

30 ~~SEC. 7.~~

31 *SEC. 5.* Notwithstanding Section 17610 of the
32 Government Code, if the Commission on State Mandates
33 determines that this act contains costs mandated by the
34 state, reimbursement to local agencies and school
35 districts for those costs shall be made pursuant to Part 7
36 (commencing with Section 17500) of Division 4 of Title
37 2 of the Government Code. If the statewide cost of the
38 claim for reimbursement does not exceed one million
39 dollars (\$1,000,000), reimbursement shall be made from
40 the State Mandates Claims Fund.

1 Notwithstanding Section 17580 of the Government
2 Code, unless otherwise specified, the provisions of this act
3 shall become operative on the same date that the act
4 takes effect pursuant to the California Constitution.

5 ~~SEC. 8.~~

6 *SEC. 6.* This act shall become operative only if
7 Assembly Bill 573 and Senate Bill 247 of the 1997–98
8 Regular Session are enacted and become effective on or
9 before January 1, 1998.

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